

MISC. NO. 1:06MC1

ORDER

For over 20 years, the Petitioner has been an abusive, prolific and frivolous filer in this Court. His filings originally stemmed from his state court conviction in 1977 for second degree rape. ***State v. Head*, 33 N.C. App. 494, 235 S.E.2d 423 (1977)**. In this District, his frivolous filings have become notorious and have resulted in the repeated imposition of pre-filing injunctions against him. ***See, e.g., In re Head*, 770 F.2d 393 (4th Cir. 1985); *Head v. President of the United States*, 770 F.2d 392 (4th Cir. 1985); *In re Head*, 799 F.2d 751 (table), 1986 WL 17408 (4th Cir. 1986); *In re Head*, 810 F.2d 194 (table), 1987 WL 36244 (4th Cir. 1987); *In re Head*, 816 F.2d 672 (table), 1987 WL 37057 (4th Cir. 1987); *In re Head*, 835 F.2d 874 (table), 1987 WL 24545 (4th Cir. 1987); *In re Head*, 838**

F.2d 466 (table), 1988 WL 4593 (4th Cir. 1988); *In re Head*, 842 F.2d 1291 (table), 1988 WL 21258 (4th Cir. 1988); *In re Head*, 865 F.2d 1258 (table), 1988 WL 131850 (4th Cir. 1988); *In re Head*, 887 F.2d 1079 (table), 1989 WL 117811 (4th Cir. 1989); *In re Head*, 927 F.2d 595 (table), 1991 WL 21532 (4th Cir. 1991); *In re Head*, 947 F.2d 941 (table), 1991 WL 216429 (4th Cir. 1991); *In re Head*, 996 F.2d 1211 (table), 1993 WL 220230 (4th Cir. 1993); *In re Head*, 7 F.3d 223 (table), 1993 WL 375674 (4th Cir. 1993); *In re Head*, 19 F.3d 1429 (table), 1994 WL 118464 (4th Cir. 1994); *In re Head*, 19 F.3d 1429 (table), 1994 WL 118461 (4th Cir. 1994); *In re Head*, 67 F.3d 295 (table), 1995 WL 590597 (4th Cir. 1995).

Indeed, in 2001, the United States Supreme Court found that because Head “has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petition in noncriminal matters from petitioner”

***Head v. United States*, 534 U.S. 803 (2001).**

Despite the imposition of a pre-filing injunction, the Petitioner has continued throughout the years to abuse the judicial system by submitting handwritten, nonsensical, rambling, offensive, and at times, somewhat

threatening documents.¹ The contents of these writings are repetitive and devoid of new factual bases upon which any relief could be granted. The tone of the writings is frequently sexually offensive and often contains racial slurs. The relief sought is equally ludicrous.² The Petitioner writes all over the fronts and backs of the envelopes in which these writings are mailed and at times places a “sign” on the writings which, he has previously explained, is his signature which was provided to him by a worm.

¹Recent submissions contain the following statements by the Petitioner: “Head has been locked up so many years his dick want (sic) even get hard offteen (sic), mabe (sic) once ever (sic) 2 or 3 months if that.”

²For example, Head recently has demanded: “Ten zillion new alpurpose (sic) emergene (sic) centers light houses. Each worth 22 zillion dollars tax free and builted (sic) in shape of the letters which spells Head’s full name, 100 miles of land with each center.” “Incess (sic) be made legal in all America, from age 13 years up to 100 years old and incest (sic) marriage be made legal at age 13 years old up to 100 years old. . . . A cairty (sic) blood drive collection be conducted once a month. All blood collected be sold and the money be reinvested to support the poor, homeless, welfare, medica (sic) etc. For the poor.” “Each nation and world and each location of each pay to Head *pro se* one zillion dollars tax free per each day Head is and was in custody . . . and one million boats, ships, subs, plans (sic) and helicopters and vehickles (sic) of each kind made and used by and in said locations, all of same and the Dead Sea be Heads personal and privit (sic) property forever as well all on and in the Dead Sea, prior, present, hereinafter. All land within 1000 miles of the Dead Sea[.] . . . Each nation give to Head one million girls and women below age 50 years old, to be part of the aforesaid forever.”

For years, the staff of this Court has been required to read these writings to ensure that no valid legal remedy is being sought. The Court finds that the Petitioner's behavior has gone past any threshold for tolerance and that no further writings will be accepted by the Court for a pre-filing, or other, review. ***In re McDonald*, 489 U.S. 180, 184 (1989)** (“**Every paper filed with the Clerk of this Court, no matter how repetitious or frivolous, requires some portion of the institution’s limited resources.**”). The Petitioner does not have an “absolute unconditional right of access to the courts and [has] no constitutional right of access to prosecute frivolous or malicious actions.” ***Werner v. State of Utah*, 32 F.3d 1446, 1447 (10th Cir. 1994) (Noting that the petitioner had written obscenities and profanities in his mail.)**. As a result, every writing submitted to this Court after the date of entry of this Order by the Petitioner will be returned to him without being opened. The Petitioner is precluded from making any filing within the United States District Court for the Western District of North Carolina. He may, of course, avail himself of the court sitting in the district of his confinement. This ruling applies only to this District, which is not his district of confinement.

IT IS, THEREFORE, ORDERED that the numerous submissions of the Petitioner submitted since July 2005 and those submitted in the first nine days of 2006 be filed and dismissed as frivolous.

IT IS FURTHER ORDERED that any submission received from the Petitioner by the United States District Court for the Western District of North Carolina shall be returned, unopened, to the Petitioner. No filing may be made and no pre-filing review shall be conducted.

IT IS FURTHER ORDERED that Joseph Marion Head is deemed to have filed a notice of appeal from this Order and the Clerk of Court shall transmit this Order to the Fourth Circuit Court of Appeals.

Signed: January 9, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

